

The Senate Committee on Government Oversight offered the following substitute to HB 315:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, so as to provide for certain agreements from consultants who enter into contracts or arrangements with counties, municipalities, and other local governmental entities to prepare or develop specifications or requirements for bids, requests for proposals, procurement orders, or purchasing orders; to provide definitions; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-28.

(a) As used in this Code section, the term:

(1) 'Consultant' means an individual or company that is paid or engaged to develop or draft specifications or requirements for a solicitation or to serve in a consultative role during the bid or proposal evaluation or negotiation process.

(2) 'Local government' means a county, municipal corporation, consolidated government, or board of education, or any authority of a county, municipal corporation, consolidated government, or board of education whether created by or pursuant to a general state law, a local act of the General Assembly, or a local constitutional amendment.

(b) Consultants who enter into contracts or arrangements with counties, municipalities, school boards, and other local governmental entities to prepare or develop specifications or requirements for bids, requests for proposals, procurement orders, or purchasing orders for such county, municipality, school board, or other local governmental entity shall, at the

time of entering into such contract or arrangement, execute an agreement which provides that:

(1) The consultant shall avoid any appearance of impropriety and shall follow all policies and procedures of the county, municipality, school board, or other local governmental entity with whom the consultant is entering into contract or arrangement;

(2) The consultant shall immediately disclose to such county, municipality, school board, or other local governmental entity any material transaction or relationship, including, but not limited to, that of the consultant, the consultant's employees, or the consultant's agents or subsidiaries, that reasonably could be expected to give rise to a conflict of interest, including, but not limited to, past, present, or known prospective engagements, involvement in litigation or other dispute, client relationships, or other business or financial interest, and shall immediately disclose any material transaction or relationship subsequently discovered during the pendency of the contract or arrangement; and

(3) An acknowledgment that any violation or threatened violation of the agreement may cause irreparable injury to the county, municipality, school board, or other local governmental entity, entitling such county, municipality, school board, or other local governmental entity to seek injunctive relief in addition to all other legal remedies.

(c) Any violation or threatened violation of the agreement may cause irreparable injury to the county, municipality, or other local governmental entity, entitling such county, municipality, or other local governmental entity to seek injunctive relief in addition to all other legal remedies.

(d)(1) This Code section shall not apply to economic development activities that are confidential pursuant to Article 4 of Chapter 18 of Title 50.

(2) This Code section shall not apply to any development authority which shall include any authority created by law or by constitutional amendment for one or more counties or municipalities, or any combination thereof, for the purpose of promoting the development of trade, commerce, industry, and employment opportunities or for other purposes and, without limiting the generality of the foregoing, shall specifically include all authorities created pursuant to Chapter 62 of this title; provided, however, that nothing in this paragraph shall impair or interfere with the provisions of subparagraph (e)(1)(B) of Code Section 36-62-5 regarding reporting of potential conflicts of interest by development authority board members.

(3) An attorney who provides legal services to the county, municipality, school board, or other local government entity shall only be required to disclose the existence of a conflict under this Code section and not the details of such conflict.

64 **SECTION 2.**
65 All laws and parts of laws in conflict with this Act are repealed.